

DEC 18 1964

CIA 5-01.4 -IG-PC#

Judge Bans Book, Film of Notre Dame Gridiron Farce

By Sue Reinert
Herald Tribune News Service

NEW YORK, Dec. 17 — A State Supreme Court justice barred the showing of the movie comedy, "John Goldfarb, Please Come Home" in a decision today that could have wide-ranging effects on the fields of entertainment and publishing.

Justice Henry Clay Greenberg, in a 19-page decision, laid down unprecedented guidelines for the use of names of private institutions in books and films. In effect, he said that if the use of an institution's name falls outside "legitimate public interest," and is intended solely for profit, then it will be forbidden.

The immediate effect of the ruling was to uphold the University of Notre Dame's request for a temporary injunction banning the showing of the movie and the further distribution of a hard-cover and paperback editions of the novel.

The university claimed the movie misappropriated the name and reputation of Notre Dame and its football team and depicted football players as "undisciplined gluttons and drunks."

Openings Scheduled

The movie had been scheduled to open on Christmas Day in 26 theaters in New York State and 200 Nationwide. Attorneys for Twentieth Century-Fox said an appeal and a request for a stay of the temporary injunction would be made Friday. Unless a stay is granted, the temporary injunction will remain in effect while the appeal is being processed.

Although the State Supreme Court has jurisdiction over only the State, the ban would be effective all over the coun-

try because the publishers and film company have headquarters in New York.

The film's Washington premiere, scheduled for Christmas Day at Loew's Palace downtown, was canceled.)

The Rev. Theodore Hesburgh, president of Notre Dame, said he was "very pleased" with the decision but would make no further comment.

William C. Scott, attorney for Doubleday and Co. and Fawcett Publications, publishers of the book, said he would join in the appeal Friday. "We believe the judge has misconstrued the law," he said. "The book is a perfectly proper, fair farce that falls well within free speech."

The plot of the movie involves the efforts of a mythical Arab king to field a football team that will beat Notre Dame, for revenge because the King's son was rejected for the Notre Dame team. The Notre Dame players do lose, partly because they are sick from the previous night's revelry.

Calls Script 'Ugly'

Justice Greenberg called the script "ugly, vulgar and tawdry," and quoted from it in his opinion. He said it was well established that the "legal concept of property" includes "an interest in one's name, symbols and all that they connote."

Then the opinion entered into a detailed discussion of the property right, as it applied in the Notre Dame case, versus freedom of speech and freedom of the press.

Drawing the line between property rights and the First Amendment freedoms, Justice Greenberg said a person or company can "capitalize" on another's property only if it serves the purpose of advancing "the public's right to know."

But he added that in the Notre Dame case, the weighing of the two competing demands was easy because "the defendants' unconscionable conduct has far transgressed any justifiable bounds of legal license."

Justice Greenberg said the use of Notre Dame's name and symbols in the movie was "a clear case of commercial piracy."